

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>CHARLES E. SMITH,</b>	:	<b>CIVIL ACTION NO. 1:18-CV-1241</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>COMMONWEALTH OF</b>	:	
<b>PENNSYLVANIA, <i>et al.</i>,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 24th day of February, 2020, upon consideration of the report (Doc. 59) of Magistrate Judge Joseph F. Saporito, Jr., recommending that the court grant defendants' motions (Docs. 40, 47) to dismiss *pro se* plaintiff Charles E. Smith's amended complaint (Doc. 22) without further leave to amend, and it appearing that Smith has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge's conclusions "may result in forfeiture of *de novo* review at the district court level," Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford "reasoned consideration" to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to "satisfy itself that there is no clear error on the face of the record," FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court being in full agreement with Judge

Saporito's recommendation that this matter be dismissed without further leave to amend, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 59) of Magistrate Judge Saporito is ADOPTED.
2. Defendants' motions (Docs. 40, 47) to dismiss are GRANTED.
3. Smith's Section 1983 false imprisonment claim is DISMISSED without prejudice pursuant to the favorable-termination rule of Heck v. Humphrey, 512 U.S. 477 (1994).
4. The remainder of Smith's amended complaint is DISMISSED.
5. The Clerk of Court is directed to CLOSE the above-captioned case.
6. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania